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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/886,224	06/21/2001	Alex C. Wu		5850

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EXAMINER	
SHINGLES, KRISTIE D	
ART UNIT	**PAPER NUMBER**
2141	

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/886,224	WU ET AL.	
	Examiner	Art Unit	
	Kristie Shingles	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 December 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *21 June 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

Applicant has not amended any claims.
Claims 1-21 are still pending.

Specification

1. The proposed specification corrections filed 12/14/2004 have been accepted by the Examiner. The corrections to the specification will not be held in abeyance.

Claim Objections

2. Per claim 7, the proposed typographic correction filed 12/14/2004 has been accepted by the Examiner. Correction of the claim language will not be held in abeyance.

Response to Arguments

3. Applicant's arguments filed on 12/14/2004 with respect to claims 1-5 and 7-21 have been considered but are not persuasive in reference to cited prior arts: *Chang et al* (USPN 6,134,584), *Ferguson* (USPN 6,769,019), *Williams* (USPN 5,761,525) and *Logan et al* (USPN 5,721,827). Thus the rejection of claims 1-21 is sustained and rendered below.

A. **Regarding 35 U.S.C. 102(e) rejection of claims 1-5 and 10-12**, Applicant remarks, "...Chang's patent does not reside within the browser as in our patent disclosure, otherwise, the browser application on the machine which has been powered off won't be able to turn on the machine and start the downloading. The method and apparatus in Chang's patent

must reside on the device or application other than the browser application, so that it can power on the machine."

It is the Examiner's position that *Chang et al* teach the limitations of claim 1, of a method for scheduling a download of a document from a source server via a browser client on a networked apparatus comprising the steps of; providing one or more fields for the entry of a source server, a start time, an end time, and starting the download of the document from said source server at said start time, and stopping the download of the document from said source server at said end time. *Chang et al* teach the user's employment of a browser to access the WWW with the "most popular browsers" being Netscape Navigator and Microsoft's Internet Explorer (col.1 lines 7-32). The browser is located on the client machine for accessing and downloading data from a source/web server; however, the user doesn't need to the requesting computer system powered on until the upcoming downloading activities are scheduled to begin (Abstract and col.3 line 8-col.4 line 41).

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., Chang's patent does not reside within the browser as in our patent disclosure) are not recited in the rejected claim(s). The claims, not the specification, are the measure of Applicant's invention. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

B. **Regarding 35 U.S.C. 102(e) rejection of claims 13, 15 and 17-20**, Applicant's remarks, "In Ferguson's patent, the method and apparatus are not part of the web browser

application, it is 'connected to' a web browser as indicated in claim 1 of Ferguson's patent...Ferguson's patent does not refer to any scheduler to perform downloading."

It is the Examiner's position that *Ferguson* teaches the method of downloading as part of a web browser application wherein each of the client computers runs a web browser (col.17 lines 52-67). Known web browsers such as, Netscape and Explorer (col.3 lines 1-19, col.4 lines 2-9, col.4 line 60-col.5 line 58 and col.25 lines 45-66). *Ferguson* also teaches scheduling inherent in the user's selection of a time for displaying data downloaded from web browser according to the display schedule (col.2 lines 42-59, col.14 lines 48-54, col.15 lines 10-29, col.17 lines 52-67 and col.37 lines 45-67).

C. **Regarding 35 U.S.C. 103(a) rejection of claims 8 and 9**, Applicant's remarks, "We do not use drag-n-drop operation, and therefore, using a new window is not related to Ferguson's patent..."

It is the Examiner's position that the combination of *Chang et al* and *Ferguson*, teach the limitations of claims 8 and 9 in reference flags for downloading to be being performed by a new browser window and being rendered on the browser using local resources on the graphic display (col.5 lines 33-58 and col.9 lines 50-58). *Ferguson* also establishes an INI and Preferences file for maintenance of the configuration information of the browser application (col.24 line 60-col.26 line 65). Thus the combination of *Chang et al* and *Ferguson*, renders the limitations of claims 8 and 9 obvious.

D. **Regarding 35 U.S.C 103(a) rejection of claims 7, 14, 16 and 21**, Applicant's remarks, "In our invention, however, the download events are setup by the users on their own

client browser applications instead of server. Therefore, it is not obvious to require the browser application to post reminder..."

It is the Examiner's position that the combination of *Chang et al, Ferguson* and *Logan et al* teach the limitations of claims 7, 14, 16 and 21, wherein reminder messages are used to notify users of their scheduled events (*Logan et al*, col.37 lines 14-26). As cited above, *Chang et al* teach the scheduling of downloading events set-up by users on their own computing devices (Abstract, col.3 line 24-col.4 line 67 and col.5 line 59-col.6 line59). Thus, it would have been obvious to one of ordinary skill in the art to combine these teachings to provide reminders of the scheduled downloading events.

E. Regarding Applicant's remarks on the pertinent prior art made of record and not relied upon.

It is the Examiner's position that any pertinent prior art made of record and not relied upon is presented as supplemental reference and is therefore non-disputable.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
>
> e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims **1-5** and **10-12** are rejected under 35 U.S.C. 102(e) as being anticipated by *Chang et al* (USPN 6,134,584).

a. **Per claim 1**, *Chang et al* teach a method for scheduling a download of a document from a source server via a browser client on a networked apparatus comprising the steps of: providing one or more fields for the entry of a source server, a start time, an end time, and starting the download of the document from said source server at said start time, and stopping the download of the document from said source server at said end time (Abstract; user specifies downloading timer on schedules which implies a start and end time for the downloading process).

b. **Per claim 2**, *Chang et al* teach the method of claim 1, further including the steps to set a duration as a time period to end said download (Abstract; user inputs downloading time limit).

c. **Per claim 3**, *Chang et al* teach the method of claim 1, further including the steps to set a time interval as a time period between one download and the next download of said document (col.3 lines 49-52; user has ability to schedule timing in between subsequent download).

d. **Per claim 4**, *Chang et al* teach the method of claim 1, further including the steps to set a number as the total number of download of said document (col.4 line 63-col.5 line 20; user can set the total number of times to retry downloading a document).

e. **Per claim 5**, *Chang et al* teach the method of claim 1, further including the steps to set said end time as empty for said download which will continue until it finishes (col.4 lines

24-28; system allows for user to specify the upper limits on the download time, which implies that if set to null or left empty then the download would continue until it finishes).

f. **Per claim 10**, *Chang et al* teach the method of claim1, further including the steps to set a location for storing the downloaded document (col.3 lines 46-48; user can specify where the downloaded data is stored).

g. **Per claim 11**, *Chang et al* teach the method of claim 1, further including the steps to set a network location for storing the downloaded document (col.3 lines 46-48; user can specify where the downloaded data is stored—including cache directory implies a network location).

h. **Per claim 12**, *Chang et al* teach the method in claim 1, further including the steps for saving the downloaded document to saved location directly, and bypassing the steps prompting users for the response of save location (Abstract and col.6 lines 25-67; system refers to user's saved input preferences when downloading data so even when the user's computer is off, the data can still be downloaded an saved on the computer).

6. Claims **13**, **15** and **17-20** are rejected under 35 U.S.C. 102(e) as being anticipated by *Ferguson* (USPN 6,769,019).

a. **Per claim 13**, *Ferguson* teaches a method for scheduling a playback of a saved document via a browser client on a networked apparatus comprising the steps of: providing one or more fields for the entry of start time, and opening said saved documents at said start time, and rendering the document onto said browser (Abstract and col.2 lines 39-46; system allows for user to select a time for displaying the downloaded data).

b. **Per claim 15**, *Ferguson* teaches the method of claim 13, further including the steps to set a time interval as a time period between opening one saved document and the next saved document (col.2 lines 43-46; advertisements are displayed according to their time slot position for a fixed period of time).

c. **Per claim 17**, *Ferguson* teaches a method for scheduling a download of a document from a source server via a browser client on a networked apparatus comprising the steps of: download said document from said source server, and scheduling said download at a start time according to a time stamp, and starting the download of the document from said source server at said start time (col.13 lines 5-55; start time and priority of download and is based upon the date time stamp).

d. **Per claim 18**, *Ferguson* teaches the method of claim 17 wherein said time stamp is embedded in the downloaded document from said source server (col.13 lines 56-67; system can receive time stamp information for web server's/web page's "modified since" field).

e. **Per claim 19**, *Ferguson* teaches the method of claim 17, further including the steps to set said start time (col.13 line 5-col.14 line 14; the time stamp of the last update and last download is used to determine the start time for other downloading).

f. **Per claim 20**, *Ferguson* teaches the method of claim 17, further including enabling of the setup of said download scheduling based on the presence of said time stamp (col.13 line 5-col.14 line 14; for determining the priority of download requests, time stamps are used for scheduling and organizing downloads).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claim **6** is rejected under 35 U.S.C 103 (a) as being unpatentable over *Chang et al* in view of *Williams* (USPN 5,761,525).

Per claim 6, *Chang et al* teach the method of claim 1 as applied above, yet fail to teach the method of claim 1, further including the steps to alert users for any overlapping of time period among scheduled downloads. However, *Williams* teaches the method of notifying users upon determination of an overlapping of events (col.4 lines 22-36).

It would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made to implement a notification or alert mechanism for informing users of overlapping downloading events for the purpose of allowing users to decide or confirm which event will take precedence over the other or if possible for both downloading events to occur simultaneously. One skilled in the art would have been motivated to generate the claimed invention with a reasonable expectation of success.

9. Claims **8** and **9** are rejected under 35 U.S.C 103 (a) as being unpatentable over *Chang et al* in view of *Ferguson* (USPN 6,769,019).

a. **Per claim 8**, *Chang et al* teach the method of claim 1 as applied above, yet fail to teach the method of claim 1, further including the steps to set a new window flag for determining if said download will be performed by a new browser window of said browser. However, *Ferguson* teaches use of flag configuration information in the interface file used for determining a browser window and for a drag-and-drop window (col.5 lines 33-53, col.9 lines 50-58 and col.24 line 60-col.26 line 65).

It would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made to implement flags or determination fields for displaying the data in a browser or a new browser window for the purpose of allowing the user to dedicate particular information to a particular browser window. One skilled in the art would have been motivated to generate the claimed invention with a reasonable expectation of success.

b. **Claim 9** contains limitations substantially similar to claim 8, and is therefore rejected under the same basis.

10. Claims **7, 14, 16** and **21** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Chang et al* and *Ferguson* in view of *Logan et al* (USPN 5,721,827).

a. **Per claim 7,** *Chang et al* teach the method of claim 1 as applied above, yet fail to distinctly teach the method of claim 1, further including the steps to set the reminder for posting reminder to users. However, *Logan et al* teach the implementation of reminder messages to notify users of scheduled events (col.37 lines 14-26).

It would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made to implement reminder messages within the scheduling system for

the purpose of notifying users in advance of scheduled events to take place. One skilled in the art would have been motivated to generate the claimed invention with a reasonable expectation of success.

b. **Claims 14 and 21** contain limitations substantially equivalent to claim 7, and are therefore rejected under the same basis.

c. **Per claim 16,** *Ferguson* teaches the method of claim 13 as applied above, yet fails to teach the method of claim 13, further including the steps to set a number as the number of times to open and render the saved document. However, *Logan et al* teach setting a number of times to play a downloaded program (col.7 lines 13- 21, col.15 line 42-col.16 line 20 and col.20 line 32-63).

It would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made to set a number as the number of times to open a downloaded document for the purpose allowing the document a number of times to be displayed to the user which can be for advertising or commercial purposes also. One skilled in the art would have been motivated to generate the claimed invention with a reasonable expectation of success.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. *Peterson et al* (USPN 6,594,682) disclose a client-side system for scheduling delivery of web content and locally managing the web content.

b. *Miller et al* (USPN 5,878,228) disclose data transfer server with time slots scheduling based on transfer rate and predetermined data.

c. *Kaye et al* (USPN 5,727,164) disclose apparatus for and method of managing the availability of items.

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristie Shingles whose telephone number is 571-272-3888. The examiner can normally be reached on Monday-Friday 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kristie Shingles
Examiner
Art Unit 2141

kds

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